

### **Remarks**

This Amendment is in response to the Office Action dated **May 12, 2009**. Claims 17, 19-29 and 36-39 are pending in this application. The Office Action rejected claims 21-26 and 36-38 under 35 USC § 103 over Pacetti (US 2005/0074544) in view of Shibata (JP 11-111423; rejected claims 17 and 20 under 35 USC § 103 over Pacetti in view of Shibata and further in view of Pacetti '874 (US 7175874); rejected claim 19 under 35 USC § 103 over Pacetti in view of Shibata, Pacetti '874 and further in view of Layrolle (US 2001/0008649); rejected claims 27-29 under 35 USC § 103 over Pacetti in view of Shibata and further in view of Kirk Othmer; rejected claim 39 under 35 USC § 103 over Pacetti in view of Shibata and further in view of Pomper (US 2842092); and objected to claims 17 and 19-21 due to an informality.

By this Amendment, claim 22 is amended for clarification purposes only. Reconsideration in view of the above amendment and the following remarks is requested.

### **Claim Objections**

The Office Action objected to claims 17 and 19-21 because the previous response indicted the claims to be withdrawn, when in fact the claims had been rejoined. The status identifiers used in this document are believed to be correct. Applicants request withdrawal of the objection.

### **Claim Rejections**

The rejections asserted in the Office Action are traversed.

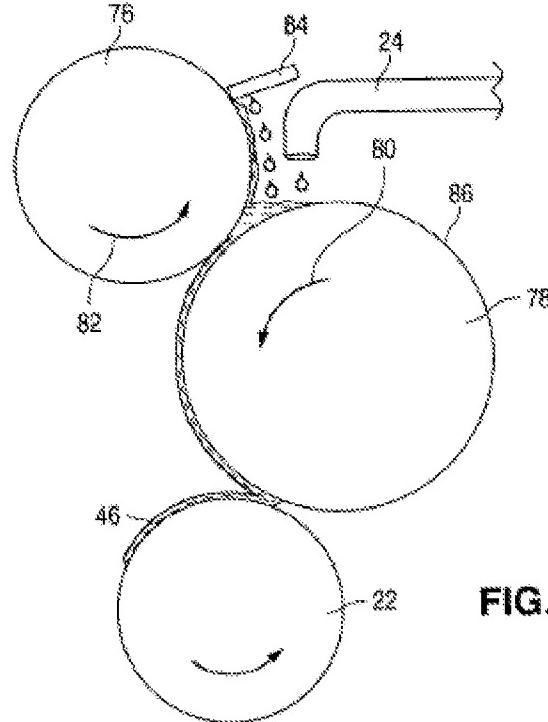
Claim 22 has been amended for clarification purposes only, and recites "a doctor blade in proximity to the first roller surface positioned to remove excess coating material from the first roller surface."

The Office Action asserts that Pacetti teaches "a first roller member (78) having a rotatable surface; and a second roller (76) with a doctor (84)." See Office Action at page 2.

Thus, the Office Action has asserted that the Pacetti barrier 84 (see Pacetti paragraph 0049), which the rejection characterizes as the claimed doctor blade, is associated with the "second roller 76."

The rejection does not assert that any barrier is in proximity to the "first roller 78,"

as would be required to meet the limitations of independent claim 22. As shown in Pacetti Figure 10, provided below, the barrier 84 is not “positioned to remove excess coating material from the first roller surface” when the “first roller” is the application roller 78, as asserted in the rejection.



**FIG. 10**

Further, the device illustrated in Pacetti Figure 10 does not meet other limitations recited in claim 22. For example, claim 22 recites, “the first roller and second roller are situated relative to each other so that the first roller transfers the coating material transferred to the first roller surface to the second roller surface.”

Pacetti Figure 10 shows a metering roller 76 and an application roller 78. See Pacetti paragraph 0049. A person of ordinary skill in the art would understand that the metering roller 76 meters the amount of coating on the application roller 78. For example, the spacing between the surfaces of the rollers 76, 78 will impact the amount of coating on the application roller 78. The Pacetti rollers 76, 78 are not configured such that coating material is transferred from the surface of one roller to the surface of the other, as required by claim 22.

Further, a person of ordinary skill in the art would not have been motivated to modify Pacetti according to the teachings of Shibata as asserted in the rejection.

The Office Action asserts that Pacetti does not teach an indirect coating system,

but further asserts that Shibata does teach an indirect coating system and that it would have been obvious to modify Pacetti according to the indirect coating system taught by Shibata. See Office Action at page 3. This assertion is traversed.

Pacetti teaches a specialized medical device coating system, whereas Shibata teaches a method of applying conductive paste to a spark plug. See Abstract. A person of ordinary skill in the art would not have looked to a method of applying conductive paste to a spark plug when attempting to improve upon the Pacetti coating system.

The rejection states, “It was known...to provide for an indirect roller coating arrangement to enable a more metered coating of a cylindrically shaped object as evidenced by Shibata” (emphasis added). See Office Action at page 3. The rejection further asserts, “it would have been obvious...to utilize an indirect coating arrangement...to allow for a more metered supply of coating material onto the surface of the stent thereby enhancing uniformity in coating on the surface of the stent” (emphasis added). See Office Action at page 3. Thus, the rejection concludes that the Shibata system is somehow better than the Pacetti system; however, the rejection has not provided any evidence as to how the Shibata system would perform relative to the Pacetti system.

The rejection’s assertion that the “indirect coating arrangement” of Shibata would be better for coating stents than the stent coating device as taught by Pacetti amounts to a conclusory statement that is unsupported by evidence. It is not reasonable to assume that a method of coating spark plugs, published in 1999, would produce better stent coatings than the Pacetti method for coating stents published in 2005. Thus, the rejection has not provided a reason that would have actually motivated a person of ordinary skill in the art to modify Pacetti as proposed in the rejection.

In view of the foregoing remarks, Applicants assert that the Office Action has not presented a *prima facie* case of obviousness against independent claim 22, or any claim dependent therefrom. Applicants request withdrawal of the rejections asserted in the Office Action.

#### **Request for Translation**

The Office Action rejects over Shibata and makes assertions as to the teachings of Shibata. For example, the Office Action asserts that Shibata teaches dual metering mechanisms.

See e.g. Office Action at page 4, last paragraph. As discussed above, the Office Action also asserts that Shibata's indirect coating arrangement would produce better results than the Pacetti device. See e.g. Office Action at page 3. These assertions are beyond the scope of the English abstract. Thus, the rejections appear to rely on teachings from Shibata that are disclosed in the body of the document, but not in the English abstract. Therefore, Applicants request an English translation of the full Shibata disclosure, or alternatively, that the assertions in the rejection be restated using only teachings from the abstract.

### **Conclusion**

Based on at least the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of claims 17, 19-29 and 36-39 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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Date: August 12, 2009

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